

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NL ENTERPRISES, LLC,

Plaintiff,

vs.

UNITED PACIFIC PET, LLC,

Defendant.

4:15CV3163

ORDER

After conferring with counsel,

IT IS ORDERED:

1) A protective order will be entered in this case by no later than 5:00 p.m. on July 8, 2016. To that end,

- a. The parties' joint motion for protective order shall be filed on or before 1:00 p.m. on July 8, 2016, or
- b. If the parties cannot agree on the terms of the protective order applicable to this case, they shall contact my chambers on or before 5:00 p.m. on July 7, 2016 to set a conference call (to be held on July 8, 2016) before the undersigned magistrate judge. Any such conference call will be held on the record.

2) The parties' disputes over currently served written discovery shall be resolved by 5:00 p.m. on July 8, 2016. To that end, the parties shall immediately meet and confer to resolve any such disputes, and

- a. Consistent with the parties' resolution of their discovery issues, NLL's written discovery shall be served on or before July 13, 2016, or
- b. If the parties cannot resolve their discovery issues, they shall contact my chambers on or before 5:00 p.m. on July 7, 2016 to set a conference call (to be held on July 8, 2016) before the undersigned magistrate judge. Any such conference call will be held on the record, and the court's order on the pending disputes as stated on the record during that hearing will require NLL to serve discovery as ordered on or before July 13, 2016.

- 3) The depositions of the three California witnesses, currently set for July 14, 2016, are continued. They can be re-scheduled after NLL serves the written discovery as discussed in paragraph 2 of this order.
- 4) As to the pending motion for preliminary injunction, (Filing No. 49),
 - a. UPP's expert disclosure as to damages incurred by UPP and arising from the claims raised in this litigation shall be served by email on or before July 27, 2016, and on the same day the report is served, it shall file a certificate of service on the CM/ECF docket reflecting service of the report.
 - b. Promptly after serving its expert report, counsel for UPP shall contact my chambers by email (with all counsel copied thereon) to set a conference call with the undersigned magistrate judge, the purpose being to re-schedule the preliminary injunction hearing before Judge Gerrard.
 - c. NLL's response to the motion for preliminary injunction, (Filing No. 49), shall be filed on CM/ECF within seven calendar days after UPP serves its expert disclosure as to damages incurred by UPP and arising from the claims raised in this litigation, with any reply thereto filed seven days thereafter. The three-day mailing rule does not apply to the calculation of deadlines under this order.
- 5) The final progression order is amended as follows:
 - a. The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on March 27, 2017, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
 - b. The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on March 14, 2017 at **11:00 a.m.**, and will be conducted by internet/telephone conferencing. The parties shall use the conferencing information assigned to this case (see filing no. 29) to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on March 13, 2017.
 - c. The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is October 31, 2016. Motions to compel Rule 33 through 36 discovery must be filed by November 14, 2016. **Note:**

Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

d. The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

As to issues raised by the pending motion for preliminary injunction, including UPP's expert disclosure as to damages incurred by UPP and arising from the claims alleged in this litigation: July 27, 2016

As to NLL as plaintiff and UPP as counterclaim plaintiff, (to the extent not previously disclosed on the motion for preliminary injunction): August 30, 2016

As to NLL as counterclaim defendant and UPP as defendant: September 30, 2016

e. The deposition deadline is October 31, 2016.

f. The deadline for filing motions to dismiss and motions for summary judgment is December 9, 2016.¹

g. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is December 9, 2016.

July 5, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹ To facilitate the court's review, the parties are strongly encouraged to include hyperlinks to the evidence, CM/ECF record, and all legal authorities cited within their briefs filed in support of, or in opposition to, any motions filed. See NECivR [7.1](#). For instructions, see "Hyperlinking Information" at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.